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CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA
DEPUTY

Magistrate Judge J. Kelley Arnold

07-CR-05815-M

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE/TACOMA

UNITED STATES OF AMERICA, Plaintiff, v. JOHN MICHAEL OBERT, Defendant.	NO. CR 07-5815 BHS MOTION FOR DETENTION ORDER

The United States moves for pretrial detention of the defendant, pursuant to 18 U.S.C. § 3142(e) and (f)

1. Eligibility of Case. This case is eligible for a detention order because this case involves (check all that apply):

__ Crime of violence (18 U.S.C. § 3156)

__ Crime of Terrorism (18 U.S.C. § 2332b(g)(5)(B)) with a maximum sentence of ten years or more

__ Crime with a maximum sentence of life imprisonment or death

__ Drug offense with a maximum sentence of ten years or more

_X_ Felony offense and defendant has two prior convictions in the four categories above, or two State convictions that would otherwise fall within these four categories if federal jurisdiction had existed.

_X_ Felony offense involving a minor victim other than a crime of violence

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__ Felony offense, other than a crime of violence, involving possession or use of a firearm, destructive device (as those terms are defined in 18 U.S.C. § 921), or any other dangerous weapon

__ Felony offense other than a crime of violence that involves a failure to register as a Sex Offender (18 U.S.C. § 2250)

__ Serious risk the defendant will flee

__ Serious risk of obstruction of justice, including intimidation of a prospective witness or juror

2. Reason for Detention. The Court should detain defendant because there are no conditions of release which will reasonably assure (check one or both):

__ Defendant's appearance as required

_X__ Safety of any other person and the community

3. Rebuttable Presumption. The United States will not invoke the rebuttable presumption against defendant under § 3142(e). The presumption applies because:

__ Probable cause to believe defendant committed offense within five years of release following conviction for a "qualifying offense" committed while on pretrial release.

__ Probable cause to believe defendant committed drug offense with a maximum sentence of ten years or more

__ Probable cause to believe defendant committed a violation of one of the following offenses: 18 U.S.C.§§ 924(c), 956 (conspiracy to murder or kidnap), 2332b (act of terrorism), 2332b(g)(5)(B) (crime of terrorism)

_X__ Probable cause to believe defendant committed an offense involving a victim under the age of 18 under 18 U.S.C. §§ 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1) through 2252(a)(3), 2252A(a)(1) through 2252A(a)(4), 2260, 2421, 2422, 2423 or 2425.

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4. Time for Detention Hearing. The United States requests the Court conduct the detention hearing:

X At the initial appearance

___ After continuance of ____ days (not more than 3)

5. Other matters.

DATED this 21st day of Dec, 2007.

Respectfully submitted,

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